

REMARKS

The Office Action of January 30, 2006 has been received and considered. Reconsideration of the application in view of the foregoing amendments and following remarks, and allowance of the pending claims is respectfully requested. Claim 3 has been amended. Each of the Examiner's rejections is discussed below.

Section 102

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) over Digitoe. This rejection is respectfully traversed.

Digitoe discloses a customized footwear manufacturing system that uses a digital foot scanner to create an image of each of a customer's feet. Shoe lasts that match the contours of the customer's feet are made from these images, and patterns mated to the lasts are cut and sent to a shoe factory. When a customer selects a desired shoe style, the factory uses the previously formed patterns to manufacture a pair of that style of shoe, customized to match the customer's feet.

Digitoe does not disclose or make obvious a method of custom-manufacturing an article of footwear including the steps of providing a customer with **an option to select a first size** for one of a left and right article of footwear; and providing the customer an **option to select a second size** for the other of the left and right article of footwear, as required by independent claim 1.

Nor does Digitoe disclose or make obvious a method of custom-manufacturing footwear including the step of obtaining specifications from a customer including a first size for one of a left and right article of footwear **selected by the customer from a list of available sizes** and a second size for the other of the left and right article of footwear **selected by the customer from a list of available sizes**, as required by independent claim 3.

Rather, Digitoe operates in a completely different way to custom manufacture shoes. Digitoe

produces a shoe customized to fit the contours of the customer's foot, based on patterns created from a digital scan of the customer's foot. The customer in Digtote is **not presented with any options at all** with respect to selecting a size for either foot. There is no disclosure in Digtote with respect to the selection of shoe sizes, since the shoes of Digtote are formed from patterns that are made from images created from a scan of the customer's feet.

Accordingly, the rejection is improper and should be withdrawn.

Conclusion

Consequently, pending claims 1-4 are believed to be in form for allowance, and an indication to that effect is respectfully requested at this time. Please apply any charges or credits to Deposit Account No. 19-0733.

Dated: April 18, 2006

Respectfully submitted,

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